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PRISON PRODUCTS BEGGING FOR PURCHASERS

Robert E. Chaddock, New York City, Columbia University, assistant professor of sociology.

Professor Arthur J. Todd, Urbana, Ill.

Professor Frank W. Blackmur, Lawrence, Kansas.

R. Beverly Herbert, Esq., Columbia, S. C.

Dr. Isaac Hourwich, 180 Hewes St., Brooklyn, N. Y.

Committee No. 4 on "State Societies and New Memberships."

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Judge Harry V. Osborne, Newark, N. J.

Judge Frank H. Norcross, Carson City, Nevada.

R. B. Herbert, Columbia, S. C.

E. J. McDermott, Louisville, Ky.

Henry B. Shaw, Burlington, Vt.

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Judge James Alfred Pearce, Chestertown, Md.

Philip Weltner, secretary Prison Association, Atlanta, Ga.

Dean Wm. R. Vance, Law School, Minneapolis, Minn.

Judge E. N. Parker, Olympia, Wash.

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Prison Products Begging for Purchasers in New York.—Many county, city and village officials are ignoring the prison law which requires municipalities to purchase necessary goods and materials manufactured in the prisons from the Superintendent of State Prisons, according to a statement made on January 2 by the State Commission of Prisons. If the convicts in the state prisons are to be kept employed as contemplated by the constitution, the public officials of the state and of its political divisions, the commission asserts, must purchase the prison products.

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"The constitution," says the commission, "makes it the duty of the legislature to provide employment for the convicts and declares that the products of prison labor shall be sold only to the state or its political divisions. In order to compete as little as possible with free labor the prison industries have been diversified under assignments by the State Commission of Prisons.

"The State Board of Classification, composed of the Fiscal Supervisor of State Charities, the State Commission of Prisons, the Superintendent of State Prisons, and the State Hospital Commission, fixes the styles, patterns, designs, qualities and prices of all prison-made products, and the prison law provides that no article so manufactured shall be purchased from any other source for the state, its public institutions or political divisions, unless the State Commission of Prisons shall certify that the article cannot be furnished. To audit or pay for goods purchased without such certificate is illegal. The State Board of Classification endeavors to fix prices as near the usual market price for such goods as possible.

"State officials generally observe the law, as the state comptroller refuses payment if the bills for articles of a kind manufactured in the prisons are unaccompanied by the proper certificate of release. There is, however, an apparent disposition on the part of many public officials to evade the law. The records of the Superintendent of State Prisons show that up to December 1st the cities of Lackawanna, Newburgh, North Tonawanda, Port Jervis, Tonawanda, Watertown and Watervliet had made no purchases since the enactment of the present law in 1896. With the exception of a straight jacket, purchased in 1912, the city of Glens Falls had bought nothing. No purchases had been made by the cities of Oneida since 1901, Cortland since 1905, Geneva since 1908, Fulton since 1909, Kingston since 1910, Ithaca, Jamestown and Rochester since 1911, and Hudson, Little Falls, Niagara Falls, Oswego and Poughkeepsie since 1912. Cortland, Franklin and Fulton counties had sent in no requisitions for 1913 prior to December 1st.

"Of the 466 incorporated villages of the state, only 15 had made purchases during the same period. These were Addison, Baldwinsville, Briarcliff Manor, Dannemora, Ellicottville, Fonda, Green Island, Gouverneur, Haverstraw, Hoosick Falls, Nyack, Ossining, Peekskill, St. Regis Falls, and White Plains.

"School authorities in some of the municipalities mentioned have purchased school furniture and supplies.

"New York City affords the largest market for prison products. Buffalo makes some purchases from the state as well as from the Erie County Penitentiary, but Rochester's last order for supplies from the state prisons was in May, 1911.

"Of the second class cities, Albany, Troy, Yonkers and Schenectady buy liberally, but orders from Utica and Syracuse are few.

"Rochester and Monroe County officials hold that the Rochester city charter and the Monroe County purchasing act enacted in 1907, which require that contracts for city and county supplies be awarded to the lowest bidder, in effect nullified the provisions of the Prison Law of 1896.

"In response to an inquiry from the State Commission of Prisons, Attorney-General Carmody on August 28, 1913, rendered an opinion to the effect that the local statutes relative to the purchase of supplies in the city of Rochester and

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in the county of Monroe do not supersede in those municipalities the prison law requiring municipalities to purchase necessary goods and materials which are manufactured in the prisons of the state. The attorney-general's opinion says in part:

"The charters of the other cities of the state contain substantially the same provisions as to the awarding of contracts for supplies above a certain minimum cost, after competitive bidding, to the lowest bidder. The second class cities law has a general provision to this effect applicable to all cities of that class.

"The purpose of these various enactments is to prevent the waste of public funds through dealings by public officers with favorite contractors and supply agents. It is not possible that the legislature intended to exclude these very important municipalities from the general provisions of the prison law, enacted in pursuance of a public policy to give employment to prison inmates, from which there is no logical reason for excepting any of the political subdivisions of the state. I think these statutes can be fairly construed together, and, so far as goods manufactured in prisons are concerned, they must be purchased by the municipalities whose special charters or the general laws applicable thereto require competitive bidding. As to supplies which may be purchased from the prisons, these provisions have no application.

"As to general supplies purchasable from individuals the provisions as competitive bidding are applicable.

"But such provisions have no application to prison made goods available for use by the political subdivisions of the state."

"The corporation counsel of Buffalo had previously contended that the prison law, so far as it compelled municipalities to purchase products of the prisons, was unconstitutional, but the attorney-general held otherwise.

"As a result of the failure of many municipalities to observe the law, hundreds of convicts in the state prisons have been idle during the past year. The prison storehouses are stocked with goods for which the demand has not kept pace with the supply. Co-operation and observance of law on the part of public officials in the purchase of prison-made goods would go a long way toward making the prisons self-supporting.

"There is no doubt that strict compliance with the law by all public officials would create a demand much more than enough to keep all the prisoners throughout the state fully employed. This result is greatly to be desired.

"The prison law requires state, county, city and village authorities to furnish the State Commission of Prisons annually on or before October 1st an estimate of prison-made goods necessary to be purchased during the ensuing year. These estimates are intended as an aid to the superintendent of state prisons in the conduct of the prison industries. Many officials are lax in furnishing these estimates, ignoring repeated requests from the commission to comply with the law. Others send in their estimates but make no purchases, while a few admit, in response to inquiries, that they buy supplies in the open market which might have been furnished by the prisons, in violation of law.

"So far as possible the commission has endeavored to acquaint the responsible officials with the provisions of the law, willful violation of which is punishable as a misdemeanor."

From the New York State Commission of Prisons.